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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,984	04/12/2004	Tetsuya Miyazaki	118119	2569
25944	7590	11/21/2006	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			KRAMER, DEVON C	
			ART UNIT	PAPER NUMBER
			3683	

DATE MAILED: 11/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/821,984	MIYAZAKI, TETSUYA	
	<b>Examiner</b>	<b>Art Unit</b>	
	Devon C. Kramer	3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 9/6/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☐ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 7-20 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

- 1) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- 2) Claims 1-3, 7-15, 17 and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Osada et al (5230549).

In re claim 1, 7-15, 17, 19-20, Osada et al provides a braking system for a vehicle, comprising: a braking device which puts a brake on a vehicle (figure 1); an operating device (11) which includes an operating member that is operated by a driver of the vehicle in a braking force increasing direction, that is, an operating direction in which a braking force of the braking device is increased or in a braking force decreasing direction, that is, an operating direction in which the braking force of the braking device is decreased; and a control device (13) which decides a target control value (figure 4) for controlling the braking device based on an operation state amount and operation state of the operating member and which controls the braking device based on the decided target control value, wherein the control device includes an operating direction-dependant target control value deciding portion, that determines a relationship between the operation state amount and the target control value based on the operation state of the operating member and uses the determined relationship to set at least one of: an increasing direction target control value that is the target control value when the

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operating member is operated in the braking force increasing direction, and a decreasing direction target control value that is the target control value when the operating member is operated in the braking force decreasing direction to values different from each other even when the is in the same operating state at least in part of a control range. Please note that figure 4 shows the target control value for different pedal depressions.

In re claims 2-3, see figure 4.

3) Claims 1, 4-5 and 7-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Oka et al (6568768)

In re claim 1, 7-20, Oka et al provides a braking system for a vehicle, comprising: a braking device which puts a brake on a vehicle (figure 2); an operating device (1) which includes an operating member that is operated by a driver of the vehicle in a braking force increasing direction, that is, an operating direction in which a braking force of the braking device is increased or in a braking force decreasing direction, that is, an operating direction in which the braking force of the braking device is decreased; and a control device (figure 16) which decides a target control value (figure 16) for controlling the braking device based on an operation state amount and operation state of the operating member and which controls the braking device based on the decided target control value, wherein the control device includes an operating direction-dependant target control value deciding portion, that determines a relationship between the operation state amount and the target control value based on the operation state of the

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operating member and uses the determined relationship to set at least one of: an increasing direction target control value that is the target control value when the operating member is operated in the braking force increasing direction, and a decreasing direction target control value that is the target control value when the operating member is operated in the braking force decreasing direction to values different from each other even when the is in the same operating state at least in part of a control range. Please note that figure 16 shows the target control value for different pedal depressions.

In re claims 4-5, see figure 16.

***Allowable Subject Matter***

4) Claims 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

5) Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Aoki et al, Lubbers et al and Isono et al all teach brake systems with increasing and decreasing brake controls which are different for a given pedal depression or force.

7) Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devon C. Kramer whose telephone number is 571-272-7118. The examiner can normally be reached on Mon-Fri 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James McClellan can be reached on (571 )272-6786. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Devon C Kramer  
Primary Examiner  
Art Unit 3683

DK

*Devon C Kramer*  
*11/20/06*